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*Attorneys for Federal Defendants*

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

**CENTER FOR BIOLOGICAL  
DIVERSITY,**

Plaintiff,

v.

**DEBRA HAALAND**, in her official capacity  
as Secretary of the U.S. Department of the  
Interior, and **MARTHA WILLIAMS**, in her  
official capacity as Director of the U.S. Fish  
and Wildlife Service.

Defendants.

No. 1:22-cv-00335-DAD-BAK

**DEFENDANTS' AMENDED  
NOTICE OF CROSS-MOTION AND  
CROSS-MOTION FOR SUMMARY  
JUDGMENT**

**Hearing Date: September 6, 2022**

**Time: 9:30 am**

**Judge: Drozd**

**Courtroom: 5**

PLEASE TAKE NOTICE that on September 6, 2022, at 9:30 am, or as soon thereafter as  
this matter may be heard in the above-entitled court located at the Robert E. Coyle Federal  
Courthouse, Defendants, Debra Haaland, in her official capacity as Secretary of the U.S.  
Department of Interior, and Martha Williams, in her official capacity as Director of the U.S. Fish  
and Wildlife Service, hereby cross-move for an order granting summary judgment pursuant to

1 Local Rule 260 and Rule 56 of the Federal Rules of Civil Procedure. In support of their motion,  
2 Defendants state, and counsel for Defendants certify, as follows:

3 1. The parties have engaged in various settlement negotiations consisting of emails  
4 and telephone calls between counsel, which occurred on April 21, 2022, May 18, 2022, and June  
5 23, 2022. Despite good faith efforts made by counsel for both parties, the parties' meet and confer  
6 efforts have been exhausted. Accordingly, on June 24, 2022, the parties conferred about their  
7 intent to file respective motions for summary judgment.

8 2. Plaintiff seeks declaratory and injunctive relief to address Defendants' alleged  
9 failure to fulfill their statutory duty to determine, within 12 months of the filing of its petition,  
10 whether listing of the Temblor legless lizard (*Anniella alexanderae*) is warranted, not warranted,  
11 or warranted but precluded under the Endangered Species Act, 16 U.S.C. § 1533(b)(3)(B).

12 3. Defendants respectfully cross-move for summary judgment for the reasons set  
13 forth in Defendants' supporting memorandum of law. As stated therein, there is no genuine  
14 dispute as to any material fact, Plaintiff's requested remedy should be denied, and the Court  
15 should order the Service to submit a 12-month finding on the Temblor legless lizard by April 30,  
16 2026.

17 Dated: July 18, 2022

Respectfully submitted,

19 TODD KIM, Assistant Attorney General  
20 S. JAY GOVINDAN, Acting Chief  
MEREDITH L. FLAX, Assistant Chief

21 /s/ Chris Carrara  
22 CHRISTIAN H. CARRARA, Trial Attorney  
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/s/ Chris Carrara